

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

Case No. 23-CR-140-RAW

**AMANDA LYNN HOWERTON,**

Defendant.

**UNOPPOSED MOTION TO CONTINUE TRIAL  
AND SCHEDULING ORDER DATES**

Defendant Amanda Lynn Howerton requests the Court continue this matter to its February 6, 2023, trial docket and issue a new scheduling order under 18 U.S.C. § 3161(h)(7)(A). Ms. Howerton further requests a rescheduled deadline to submit motions under Rule 12.1(e) in light of this Court's previous 14-day deadline. In support of this Motion, Ms. Howerton states as follows:

1. The Government does not oppose this first continuance.
2. This matter is set for jury trial on December 5, 2023. The pretrial conference is set for November 16, 2023.
3. Ms. Howerton is in custody.
4. If granted, this continuance will implicate the Speedy Trial Act's requirement that a defendant be tried within seventy days of her Initial Appearance. 18 U.S.C. §§ 3161(c)(1). Ms. Howerton has executed a Waiver of Speedy Trial that will be filed contemporaneously with this Motion.
5. Counsel for Defendant understands that an "ends of justice"

continuance should not be granted cavalierly and that the public is equally interested in a speedy trial. *See United States v. Toombs*, 574 F.3d 1262, 1269, 1273 (10th Cir. 2009).

6. In this case, the defense has scheduled an appointment to review discovery with the Government. Further, the parties are engaged in plea negotiations.
7. The undersigned believes a continuance and amended scheduling order will serve the judicial economy and allow Ms. Howerton and her counsel to review the discovery in this matter and weigh potential plea negotiations that could, if successful, moot the need for a jury trial.

### **CONCLUSION**

For these reasons, Ms. Howerton respectfully requests this Court continue her December 5, 2023, jury trial until its February 6, 2023, jury trial docket and issue an amended scheduling order. Ms. Howerton expressly requests a rescheduled deadline to submit motions under Rule 12.1(e) and this Court's previous 14-day deadline.

Dated: October 27, 2023.

Respectfully submitted,

### **OFFICE OF THE FEDERAL PUBLIC DEFENDER**

Scott A. Graham, Federal Public Defender

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*Counsel for Defendant Amanda Lynn Howerton*

**CERTIFICATE OF SERVICE**

I certify that on October 27, 2023, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant(s):

Morgan Muzljakovich  
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/s/Rhyder M. Jolliff  
Rhyder M. Jolliff